

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:18-cv-00648-FDW-DSC

ANGEL RIVERA, )  
                  )  
                  )  
Plaintiff,      )  
                  )  
                  )  
vs.              )  
                  )  
                  )  
                  )  
                  )  
SNYDER'S-LANCE, INC., )  
                  )  
                  )  
Defendant.      )  
                  )  
                  )  
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**ORDER**

**THIS MATTER** is before the Court on review of the docket in this matter.

Pro se Plaintiff Angel River ("Plaintiff") filed a complaint on December 4, 2018 against Defendant Snyder's-Lance, Inc., based on diversity jurisdiction asserting claims of strict liability, gross negligence, intentional infliction of emotional distress, and "respondeat superior." [Doc. 1]. Plaintiff, however, failed to pay the filing fee or file a motion to proceed in forma pauperis (IFP). The Clerk, therefore, sent Plaintiff a Notice of Deficiency, advising Plaintiff that he must either pay the filing fee or file an IFP application. [Doc. 2]. Plaintiff complied, filing an IFP application. [Doc. 3]. Thereafter, the Clerk ordered that Plaintiff's correctional facility, Westchester County Jail (the "Jail"), "provide a certified copy of Plaintiff's most recent trust account statement" so that the Clerk could determine whether Plaintiff qualifies for IFP status. [Doc. 4]. On October 29, 2019, ten months after this Order and having not received Plaintiff's trust account statement, the Court again ordered that the Jail provide the Plaintiff's most recent trust account statement. [Doc. 5]. To date, the Jail has failed to comply with this second Order.

The Court will, therefore, again order the Jail to provide Plaintiff's most recent trust

account statement in accordance with Docket Nos. 4 and 5. The Court will also direct that this Order be sent to the Warden at the Jail to ensure compliance therewith and that it be sent to the New York State Department of Corrections and Community Supervision email address for inmate accounts, [BFInmateAccounts@doccs.ny.gov](mailto:BFInmateAccounts@doccs.ny.gov).

**IT IS, THEREFORE, ORDERED** that:

1. The Westchester County Jail comply with the Court's previous Orders [Docs. 4, 5] and provide within seven (7) days a certified copy of Plaintiff's most recent trust account statement to Frank Johns, Clerk of Court for the Western District of North Carolina, 401 W. Trade Street. Charlotte, North Carolina 28202.
2. The Westchester County Jail is further ordered to advise the Clerk, as above, if Plaintiff is no longer incarcerated at the Jail.
3. The Warden or Superintendent at Westchester County Jail ensure compliance with this Order by Jail staff.
4. The Clerk is instructed to send a copy of this Order and Docket Nos. 4 and 5 to the Warden or Superintendent of Westchester County Jail and to email a copy of this Order to [BFInmateAccounts@doccs.ny.gov](mailto:BFInmateAccounts@doccs.ny.gov).

Signed: March 24, 2021



Frank D. Whitney  
United States District Judge

